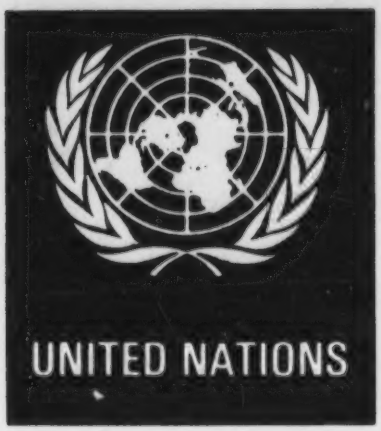

DIVISION FOR
PALESTINIAN RIGHTS

SEVENTH UNITED NATIONS EUROPEAN SEMINAR ON THE QUESTION OF PALESTINE

(THIRTY-FIRST UNITED NATIONS SEMINAR)

QAWRA, MALTA
27-29 July 1992

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Introduction

1. The Seventh United Nations European Seminar on the Question of Palestine (Thirty-first United Nations Seminar) was held at the Conference Centre of the New Dolmen Hotel, Qawra, Malta, from 27 to 29 July 1992, in accordance with the provisions of General Assembly resolution 46/74 B of 11 December 1991.

2. The Committee on the Exercise of the Inalienable Rights of the Palestinian People was represented by a delegation comprising H.E. Mr. Kéba Birane Cissé (Senegal), Chairman of the Committee, Chairman of the Seminar; H.E. Mr. Victor Camilleri (Malta), Rapporteur of the Committee, Vice-Chairman and Rapporteur of the Seminar; H.E. Mr. Victor Batiouk (Ukraine), Vice-Chairman of the Seminar and Dr. Nasser Al-Kidwa (Palestine).

3. A total of 6 plenary meetings were held and 15 experts presented papers on various aspects of the question of Palestine. One United Nations organ, 1 United Nations specialized agency, 2 intergovernmental organizations, as well as 9 non-governmental organizations, attended the Seminar as observers.

4. The Seminar adopted conclusions and recommendations as well as a motion of thanks to the Government and people of Malta.

A. Opening statements

Statement by the Deputy Prime Minister and Minister for Foreign Affairs of Malta

5. The opening ceremony of the Seminar was addressed by H.E. Prof. Guido de Marco, Deputy Prime Minister and Minister for Foreign Affairs of Malta. In welcoming the participants, he stressed the fact that Malta was hosting a Seminar on the Question of Palestine for the second time, which testified to the steadfastness and consistency of its interest in and support for the struggle of the people of Palestine to achieve their legitimate right to their own homeland. For Malta, the issue of Palestine was one of justice which had to be rendered where it had for so long been denied. It was also an issue of security for the whole Middle East area, racked by many deep-rooted problems, of which the question of Palestine remained the core, and of stability for the Mediterranean region, with its own share of turmoil and dissension, many aspects of which were closely linked to the problems of the Middle East. As much as it was a tragedy, the issue of Palestine was also a challenge to realize the right to self-determination and the natural and fundamental rights of the Palestinian people, who were still struggling for their denied independence.

He continued that, in January 1991, as President of the General Assembly, he had experienced first-hand the conditions of Palestinians in the occupied territories, having visited those territories and Jordan to convey directly to the Palestinians living there, the continuing commitment of the international community in support of their cause. For it was through the General Assembly that the international community had time and again expressed its determination to strive towards the achievement of a just and lasting solution to the problem of Palestine. The Committee on the Exercise of the Inalienable Rights of the Palestinian People was the most clear expression of the Assembly's commitment in that regard.

He emphasized that at a time when so much of the post-Second World War attitudes and structures had dramatically disappeared everyone had to be reminded that the question of Palestine was now in its forty-sixth year and that many of the people of Palestine were this year commemorating their twenty-fifth year under occupation.

The question of Palestine was deeply compounded by the issues of the cold war era and had yet today to be assured of the benefits of the new order in international relations. Perhaps no one was better placed to make a sober and realistic assessment of these risks and opportunities than those living in the Mediterranean area. On the positive side, Malta was privileged to be associated with the major European processes which represented the most encouraging and constructive aspects of the times. On the negative side, through its position at the centre of the Mediterranean, Malta was witnessing with deep concern the tragedy of the new republics which have emerged from the former Yugoslavia, and, in North Africa, the social and economic pressures which were building up to critical boiling points, threatening to disrupt both national and regional stability.

It was against that background of caution and realism that Malta evaluated the latest developments relating to the question of Palestine. Prospects for positive movement had never been more encouraging than at present. He expressed the hope that those most directly involved would find the wisdom and courage to take the right decisions. The Seminar therefore assumed particular relevance and importance in the light of unfolding events. He pointed out that Europe had always had a most direct and urgent interest in the search for a resolution of the problem of Palestine.

In Europe, there was a consensus that the Palestine problem was a vital component of the Arab-Israeli problem, and a convergence regarding the elements required for a just and lasting solution. The month before, the Council of the European Community had stressed once again that a settlement of the Palestine question, to prove just and lasting, would have to be based on Security Council resolutions 242 (1967) and 338 (1973), which enshrined the principle of land for peace. The European Community had also reiterated its commitment to play a constructive and active role in the peace process launched in Madrid in 1991.

He stressed that Malta as a European country, with a close involvement in Mediterranean affairs, provided an ideal venue for deliberations on how Europe could contribute to the ongoing efforts to achieve a just and lasting peace in a land which for decades had been a land of sorrow and strife. Malta identified itself with the cause of the Palestinian people. It did so because Malta itself was once denied its inalienable rights of freedom and independence. It could also understand the position of the Israeli people who had been denied the right to live in a country to which they felt so closely linked. But the future of the Middle East must not be one of strife. The two Semitic peoples of the region must learn to live with each other, in peace and freedom.

Statement by the representative of the Secretary-General

6. The representative of the Secretary-General of the United Nations, Mr. Giorgio Giacomelli, Under-Secretary-General, Director-General of the United Nations Office at Vienna, expressed satisfaction that the Seminar was held in Malta, a country which had always made a valuable contribution to promoting international cooperation in the search for peace and justice, in the troubled region of the Middle East. The convening of

the Seminar stressed the concern with which the Members of the United Nations viewed the continuation of the stalemate in that longstanding conflict, and the urgency they attached to a just and lasting settlement. The European countries had actively contributed to the efforts undertaken by the United Nations to bring a just peace to the Middle East. Their sustained participation in the search for peace would be an important factor in advancing towards a comprehensive solution of the conflict.

He stressed that there was broad agreement within the international community that the settlement of the question of Palestine should be based on the following elements: the withdrawal of Israeli forces from the Palestinian territories and other Arab territories occupied since June 1967; acknowledgement of and respect for the sovereignty, territorial integrity and political independence of all the States in the region and their right to live in peace within secure and recognized boundaries; and lastly, recognition of the legitimate rights of the Palestinian people, including the right to self-determination, the question of Jerusalem being of central importance in that connection.

He said that the past year had been one of momentous change as well as of renewed hopes that a comprehensive and just solution to the question of Palestine, which had for so long eluded the international community, might finally be within reach. The Secretary-General had followed with keen interest the intense and often laborious diplomatic efforts undertaken during 1991, which had culminated in the historic decision by the parties to the Middle East conflict to come to the negotiating table with the aim of reaching a comprehensive, just and lasting settlement through direct negotiation along two tracks, between Israel and the Arab States, and between Israel and the Palestinians.

He stressed that although the negotiations were taking place outside the United Nations, they were based on Security Council resolutions 242 (1967) and 338 (1973), long recognized as the cornerstones of an overall settlement.

Since a new Government had been established in Israel, the Secretary-General expressed his earnest hope that the peace process launched in Madrid and sustained during the rounds of bilateral and multilateral negotiations, would be reinvigorated and that the lasting peace that had so long been denied to all the peoples of the Middle East would indeed become a reality. The Secretary-General would do all in his power to discharge the responsibilities entrusted to him in that regard by the United Nations.

While that process took place, it was, however, of utmost importance to ensure an immediate amelioration of the conditions in the occupied territory. Israel must respect its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War. It was the responsibility of the international community to ensure respect for human rights in the occupied territories. That was an urgent task which must be attended to, regardless of progress or lack thereof in the peace process.

Statement by the Chairman of the Committee

7. H.E. Mr. Kéba Birane Cissé (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and Chairman of the Seminar, pointed out that the persistent work of the Committee had played a part in the recent positive developments with regard to the question of Palestine. The campaign of information and education of public opinion carried out by the Committee, with the support of

many Governments, intergovernmental and non-governmental organizations, and with the assistance of many experts from the academic and political world and the media, had helped create a better understanding of the issues and support for the rights of the Palestinian people. Hundreds, even thousands, of persons had been involved in analysing and discussing the various aspects of the problem and had returned to their respective countries with precious new insights and knowledge, and had formed an ever-wider network of individuals and organizations which had exercised influence on policy-making and which could continue to make a concrete contribution in the future.

He stressed that since 1976, the Committee had sought to promote a comprehensive, just and lasting settlement of the Palestine question based on the attainment of the inalienable national rights of the Palestinian people, particularly the right to self-determination and independence, in accordance with the following principles established by the General Assembly: the withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories; guaranteeing arrangements for security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries; resolving the problem of the Palestine refugees in conformity with Assembly resolution 194 (III) of 11 December 1948 and subsequent relevant resolutions; dismantling the Israeli settlements in the territories occupied since 1967; and guaranteeing freedom of access to holy places, religious buildings and sites.

He recalled that although it had not been possible thus far to convene the international peace conference on the Middle East under United Nations auspices, the Committee had welcomed the convening of the conference sponsored by the United States of America and the former Soviet Union, for the achievement of a comprehensive peace based on Security Council resolutions 242 (1967) and 338 (1973). The Committee believed that the role of the United Nations should be intensified in the peace process, and had called for the even-handed application of the principles of international law and the implementation of all pertinent United Nations resolutions. The Madrid Conference had shown conclusively that the question of Palestine was the core issue that needed to be addressed in efforts to resolve the Arab-Israeli conflict, and that the Palestinian people, through its recognized representatives, was a principal party in any negotiating process.

The Committee firmly believed that respect for the human rights and fundamental freedoms of the Palestinians living in the occupied territory, including Jerusalem, and for the Geneva Convention relative to the Protection of Civilian Persons in Time of War, would help create a climate more conducive to peace. For a meaningful peace process to move forward, the following activities must cease: confiscation of land and building of settlements; use of firearms to deal with demonstrators; curfews and restrictions on freedom of movement and association; detention of thousands of persons; deportations and collective punishment; separation of thousands of families; and the fetters imposed on the economic development of the occupied territory. The Committee hoped the new Government in Israel would take the necessary measures.

He emphasized that the United Nations had expressed in numerous resolutions the international consensus with regard to the legal obligations of Israel, the occupying Power, under the Fourth Geneva Convention and had called for implementation of its provisions. The fact that talks might be in progress between the parties, and outside the United Nations framework, did not detract from Israel's obligations to respect the Convention and to abide by Security Council resolutions. In its programme of work for 1992, the Committee had stressed the urgency of measures to protect the Palestinian people in the occupied Palestinian territory, including Jerusalem, in accordance with the Convention, and had called again on the High Contracting Parties and the United Nations system to ensure that Israel abided by its obligations. The Committee's concerns

and objectives were reflected in the programme for the Seminar. It hoped thereby to make a contribution to ongoing efforts to promote a substantive negotiating process leading ultimately to a comprehensive, just and lasting settlement of the question of Palestine.

Message from the Chairman of the Executive Committee of the Palestine Liberation Organization

8. A message from H.E. Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization (PLO), was read out by Mr. Abdulatif Abu-Hejla, Director-General of the Political Department of the PLO. The message said that the efforts to publicize all aspects of the Palestine issue continued to play a part in enhancing the understanding and involvement of world public opinion, Governments and organizations, and in securing greater support for the just struggle waged by the Palestinian people over many decades for an end to the Israeli occupation and for the restoration and free exercise of its imprescriptible national rights, first and foremost its right to return, to exercise self-determination and to establish an independent State with its capital at Jerusalem.

Those efforts, to which the seminar was testimony, took on special importance in the delicate and sensitive situation of the Palestine issue and the Middle East crisis following the significant changes effected by the recent Israeli elections in which the people of Israel had voted for peace. The PLO welcomed that long-awaited change, particularly after years of political gloom and religious and political extremism created in the region by Likud Governments. It expressed hope that the new Israeli Government would be able to meet the aspirations of Israeli electors and that it would institute a radical change in Israeli policy in favour of peace. If not, the change that had occurred would be no more than a substitution of names, particularly since it was Prime Minister Yitzak Rabin who was the author of the doctrine that bones should be broken in order to suppress the intifadah and build Israeli settlements.

The message further stated that the new Government must demonstrate a new and more flexible political realism in responding to the United States initiative announced by President George Bush, on which the current ongoing peace process was based, and must declare that it would agree to the principle of land for peace, comply with United Nations resolutions, including Security Council resolutions 242 (1967) and 338 (1973), and acknowledge the right of the Palestinian people to self-determination.

The official records of the United Nations and of its various organizations were full of resolutions condemning Israeli policies and practices in the occupied territories. The message called on all persons with a direct interest in the exercise by the Palestinian people of its inalienable rights to help bring pressure on the Israeli Government to submit to the international rule of law and United Nations resolutions and to halt its policy of repression against defenceless people in the occupied Palestinian territory. The revolution of the Palestinian people and its intifadah would continue until a just peace was secured.

Other statements

9. The opening session was also addressed by representatives of intergovernmental organizations and others. Mr. Joseph Hazbun of the World Health Organization (WHO) briefed the Seminar on the ongoing activities of his organization in the occupied Palestinian territories and stressed that the WHO policy of "Health for All by the Year 2000" should also include the Palestinian people. In a message, Mr. Hamid Algabid, Secretary-General of the Organization of the Islamic Conference, expressed the support of his organization for the ongoing peace efforts aimed at achieving a just and comprehensive solution to the Palestine question and the Arab-Israeli conflict. Monsignor Hilarion Capucci, Archbishop of the Melkite Catholic Church of Jerusalem, called for a just and lasting peace between Palestinians and Israelis and emphasized that the whole world must be transformed into a system based on freedom, fraternity and respect for human rights.

B. Roundtable presentations

10. Two roundtables were established. Their subjects and experts were as follows:

Round table I: "International action to ensure the safety and protection of the Palestinian people in the occupied Palestinian territory"

(a) Measures that could be taken by the High Contracting Parties to ensure respect for the Fourth Geneva Convention

Mr. Victor Nagaychuk (Ukraine), Head of Department, Ministry of Foreign Affairs

(b) Action by the international community and NGOs

Mr. Pol Marck (Belgium), Member of the European Parliament; Mr. Bernard Mills (United Kingdom of Great Britain and Northern Ireland), Chairman, European Coordinating Committee for NGOs on the Question of Palestine

(c) Measures to alleviate the suffering and to promote the independent economic development of the occupied Palestinian territory; the role of Europe

H.E. Mr. Gunter Weiss, Ambassador and Representative of the Commission of the European Communities

(d) Presentation on the roundtable as a whole

Monsignor Hilarion Capucci (Palestinian), Archbishop of the Melkite Catholic Church of Jerusalem; Mrs. Amira Hass (Israel)

Roundtable II: "Efforts to promote the implementation of United Nations resolutions on the Question of Palestine and the Situation in the Middle East"

(a) The current peace process

Ms. Helena Cobban (United States of America), Research Director of the Initiative for Peace and Cooperation in the Middle East, Columnist; Mr. V. Y. Gogitidze (Russian Federation), Chief of Section, Ministry of Foreign Affairs

(b) The role of the United Nations

H.E. Mr. Evarist V. Saliba (Malta), Ambassador, Adviser to the Minister for Foreign Affairs

(c) The role of Europe

Mr. Patrick Cooney (Ireland), Member of the European Parliament, former Defence Minister; Mr. Richard Balfe (United Kingdom of Great Britain and Northern Ireland), Member of the European Parliament; Mr. Jean-Michel Dumont (Belgium), Secretary-General, Parliamentary Association for Euro-Arab Cooperation

(d) The problems posed by Israel's settlement policy and Jewish immigration

Mr. Hanna Ibrahim (Israel), Spokesman of the Arab Democratic Party, Editor

(e) Presentation on the roundtable as a whole

Mr. Abdulatif Abu Hejla (Palestinian), Director-General of the Political Department, Palestine Liberation Organization; Mr. Gadi Yatsiv (Israel), former Knesset Member

Roundtable I

"International action to ensure the safety and protection of the Palestinian people in the occupied Palestinian territory"

(a) Measures that could be taken by the High Contracting Parties to ensure respect for the Fourth Geneva Convention

11. **Mr. Victor Nagaychuk** (Ukraine), Head of the Department of the Middle Eastern and African countries at the Ukraine Ministry of Foreign Affairs, stressed at the outset that the latest developments gave some grounds for hope and optimism. The Madrid Conference had made a peace process in the region a reality. Although those negotiations were being conducted outside the framework of the United Nations, they had their basis in Security Council resolutions 242 (1967) and 338 (1973). The beginning of the multilateral phase of the peace process was another major accomplishment. He pointed out that there existed a unique combination of various factors which could work for peace in the Middle East. The international climate was very favourable for a

settlement of the Arab-Israeli conflict. The United Nations was more ready than ever to face the challenge of the Middle East. The United States and the Russian Federation demonstrated willingness and determination to continue efforts to further the peace process. The Arab countries and Palestinians displayed the necessary political will, flexibility and realism in their approach to the talks with Israel. Also, the new Israeli Government had made a series of encouraging statements in favour of serious and productive negotiations. It was, however, too early to talk about any breakthrough. Recalling the twenty-fifth anniversary of the Israeli occupation of the Palestinian territory, he said that the situation in the occupied territories was worse than before. In view of Israel's continuing, systematic and massive violations of the most fundamental rights of Palestinians, the protection of Palestinian civilians under occupation remained a matter of deep international concern.

The international community and the United Nations had a duty to alleviate the plight of Palestinians, to ensure respect for their human rights and fundamental freedoms. The Fourth Geneva Convention remained the main international instrument in humanitarian law that applied to the occupied territories. Various United Nations bodies provided extensive factual data illustrating numerous and persistent violations of the Convention by Israel.

To enforce the Convention, the international community should once again urge Israel to accept the de jure applicability of that instrument to all the territories it had occupied since 1967. The High Contracting Parties had a duty to ensure respect by Israel for its obligations under the Convention. Security Council resolution 681 (1990), in which the Council requested the Secretary-General to monitor and observe the situation regarding Palestinian civilians under Israeli occupation, and to report periodically as well as to develop further the idea of convening a meeting of the High Contracting Parties, must be implemented. Such a meeting would facilitate an exchange of views, with the focus on measures outlined in the Convention.

Serious consideration should be given to the suggestion made by participants in the North American Seminar, held in June 1992, that the High Contracting Parties should utilize their consular presence more fully and effectively for monitoring purposes. Moreover, a United Nations monitoring organization should be established through which the parties would carry out their responsibilities under article 1 of the Convention. Proper support should be given to the idea of seeking an advisory opinion from the International Court of Justice on the matter.

(b) Action by the international community and NGOs

12. **Mr. Pol Marck** (Belgium), Member of the European Parliament said that Israel, the occupying Power and a signatory to the Fourth Geneva Convention, denied that the Convention was applicable to the occupied territories. The international community had challenged that position. To ensure the implementation of the Convention, the most difficult aspect concerned the possibility of sanctions, because the imposition of sanctions against a country which violated the Convention was not explicitly provided for in international law. That fact, however, had not prevented international organizations and States from envisaging or adopting sanctions, a recent example being the measures imposed against Iraq. Much depended upon political will, both with regard to the moral pressure applied and the sanctions envisaged, which was an unsatisfactory situation in international law. A law without applicable sanctions was a bad law and might have contrary consequences. The international community as well as the United Nations had to work out modalities to exercise coercion in the case of violation of international treaties. The application of sanctions would depend on the political will of States, their political and economic influence versus the State breaking international law. International and supranational organizations should not use the principle of unanimity, but a simple majority should be sufficient to adopt sanctions. As a matter of principle, sanctions should be applied universally and not case by case.

He stated that with regard to Israel and the Fourth Geneva Convention, the political response by international organizations and States had fluctuated and had been distinctly influenced by political events. Changing international political situations enabled unchanged local situations to be placed on the back burner. That was regrettable, but showed that the imposition of sanctions was a political choice.

Asking what could be done with regard to Israel, he recalled the measures taken by the European Parliament and the Community which had led to the gradual reopening of schools in the occupied territories. The desired response had been achieved by freezing the budgetary allocation devoted to scientific cooperation with Israel. Those sanctions, while limited had had results until the Gulf war led to the renewed closing of educational institutions. That example showed that even an institution which was not a signatory to the Geneva Convention could, if the political will existed, apply significant moral pressure and use its limited legal means to compel the contravening party to change its position.

He expressed the view that in the specific case of the occupied Palestinian territories, only coercive sanctions could create a new situation and compel stricter observance by Israel of the Conventions it had signed. It was clear that individual States had neither the political will nor the courage to impose sanctions on the basis of bilateral agreements. Nor was mere moral condemnation able to produce decisive results. Action by NGOs was fraught with even graver problems. They could easily find themselves in an untenable position, because they needed the administrative support of the State concerned or, at least, its tacit acceptance. Condemnation of the occupying Power often led to innumerable forms of arbitrary and petty harassment. On the other hand, those organizations could play an invaluable role in transmitting information to the outside world in order to elicit reactions which could influence the occupying Power.

He said that specific actions were possible so long as they were organized in an effective and professional manner and could influence those authorities which had the means to impose sanctions, however limited. In order to accomplish objectives guaranteed by international agreements and international law, the use of all peaceful means remained the order of the day. That was a paradox which showed that international society was still far from achieving the ideals of peace and mutual understanding.

13. **Mr. Bernard Mills** (United Kingdom), Chairman of the European Coordinating Committee for NGOs on the Question of Palestine, stated at the outset that nearly a year had passed since the Arab-Israeli peace talks opened, but little appreciable progress had been made. Therefore, it would have been a mistake for the supporters of the Palestinian people to relax their efforts to secure protection and safety for the Palestinians living under Israeli rule. He emphasized the close link between promoting the current peace process and ensuring the safety and protection of the Palestinian people living under occupation. A normalization of the lives of the Palestinians would help create an environment more conducive to peace and coexistence between the Israeli and Palestinian peoples. Any population living under military occupation was entitled to a certain degree of protection according to international law through the application of the Fourth Geneva Convention. There was near unanimity among the Governments of the world that that Convention was applicable to the situation in the occupied Palestinian territory. For NGOs, it was important to press upon their respective Governments their duty to secure the compliance of the Israeli Government with its provisions. In this respect he stressed that Israel must be constantly reminded that its settlements were not only a serious obstacle to the peace process but also a direct violation of the Convention. Mr. Mills also stressed that the international community should seek to come close to unanimity as regards the protection of the Palestinian people. At the same time there was a need to press for words to be backed by deeds. The Israeli policy of repression should entail increasingly negative consequences for Israel. It had been suggested in the past that sanctions might be applied against Israel as a form of pressure, but even more restricted measures could prove effective. He

referred to the suspension of the implementation of an agreement on scientific cooperation by the European Parliament, which had persuaded the Israeli Government to begin the reopening of Palestinian universities. A recent example was the requested housing loan guarantee and the reaction by the United States Administration. He stated that in both cases, sanctions were not implemented against Israel; it had merely been denied certain benefits.

Mr. Mills then referred to some methods by NGOs which had proved effective such as pressing Governments, lobbying Parliaments, writing to elected representatives on the issue of human rights violations by Israel, or seeing ministers and officials dealing with foreign affairs. He emphasized the importance of the NGO presence in the occupied territories, which could deter Israelis from breaking international law. In current circumstances, he felt that the prospects for a successful global drive to persuade Governments to act upon their obligations and seek to secure Israel's compliance with the provisions of the Fourth Geneva Convention were much improved.

(c) Measures to alleviate the suffering and to promote the independent economic development of the occupied Palestinian territory; the role of Europe

14. **H.E. Mr. Gunter Weiss** (EEC), Ambassador and Representative of the Commission of the European Communities in Malta, emphasized that the European Community took an even-handed position towards the Middle East problem, and recognized the right of the parties to live in peace, secure and unmolested and in the full exercise of their national political rights. That position was carefully balanced, being sensitive to the fears and concerns of the different parties. Nevertheless, it had been seen by many Israelis as an attack on Israel. The new situation created in Israel after the last elections should improve the prospects for a more active European involvement in all aspects of the peace process.

The European Community's humanitarian aid to Palestinians was based on several principles. Palestinians were seen as the main casualties of the Middle East problem, not having a State that could provide them with necessary services. Therefore, it was a question of compensating them for their circumstances and of treating them without discrimination with respect to the other peoples in the Mediterranean and the Middle East.

The situation of Palestinians was, at the same time, not homogeneous. They had an unfriendly occupant, in the case of the occupied territories, and faced a number of problems in other host countries. The Community had various instruments to deal with the different situations. It trusted the good work done by the United Nations Relief and Works Agency for Palestine Refugees in the Near East and had translated that trust into large contributions towards its regular and exceptional programmes. The latest example of that cooperation was the construction of an important new hospital in the Gaza Strip with Community funds.

He also referred to a European Community humanitarian aid programme for Palestinians in the occupied territories that served both refugees and non-refugees. Its goals included the reinforcement of Palestinian institutions, including economic institutions, in the occupied territories. Another important aspect was co-financing with NGOs in the European Community, which merged the resources of the Community, the local beneficiaries and the NGOs. In those ways and through its active involvement in the peace process started in Madrid last year, the European Community, which hosted the multilateral talks of the peace conference on regional economic development, was contributing actively to the promotion of a peaceful, just and comprehensive settlement of the Arab-Israeli conflict.

(d) Presentation on the roundtable as a whole

15. **Monsignor Hilarion Capucci** (Palestinian), Archbishop of the Melkite Catholic Church of Jerusalem, said the frontiers of peace were transgressed almost everywhere in the world. One example was what was once Yugoslavia, but the most vulnerable hot spot had been and remained the Middle East, the core problem of which was the question of Palestine. For the past 44 years, the Palestinian people had suffered, without a homeland.

He personally had lived through the Palestinian tragedy. Other Palestinians suffered because they lived in refugee camps, and he recalled the massacres of Sabra and Shatila and the siege of the camps in Lebanon leading to near starvation of the inhabitants.

That mistreatment had given birth to the intifadah, in which young people faced death as though it were their wedding day. The reason they did that was to prove to the world that life under occupation was not worth living. Palestinians wanted to live as others did, in freedom and dignity, with a passport, in an independent State. Young Palestinians had gone forward with their peaceful resistance, with stones, and would continue until they won. Palestinians were ready to die in order to bring about a new life. Yet when suffering became too great, it led to despair and violence.

He continued by saying that violence must be eliminated from the world. The underlying cause of violence was injustice. As long as injustice prevailed, terrorism would continue. What he sought for his people of 5 million was justice. That people had the same right to self-determination and to a country as anyone else.

Palestine was the homeland for the Palestinians. Referring to the history of occupation of Palestinian land and to recent decisions by the Palestine National Council, in which the existence of two independent States had been recognized, he said that the Palestinians had given everything they could give; they could give no more. Israel's response was to regard Arab concessions as weakness. Its attitude was that the occupied territories did not exist.

He expressed his hope that the situation would change under a Labour Government. The Palestinians had changed because the world was changing. Now, it was the Israelis' turn to do so. He criticized the double standard which existed towards the implementation of United Nations resolutions. In conclusion, he called on the Israeli people to choose between either peace or occupation. If anyone could understand the Palestinian situation, it must be the Jews, who for centuries had suffered. They should not become the persecutors.

16. **Mrs. Amira Hass** (Israel), journalist and a volunteer in "Workers' Hotline", an Israeli NGO, said that four years of intifadah had proven that the Palestinians could not yet do without work in Israel; in spite of initial appeals to boycott work in Israel, in spite of endless curfews and restrictions and closures, tens of thousands of Palestinians still depended on income from work in Israel - a dependency which Israeli Governments intentionally had created.

The Likud Government had been well aware of that dependency. Since the fall of 1990, and especially after the Gulf war, the number of Palestinians working in Israel had been steadily dwindling owing to the policy directed towards encouraging employers to employ Israeli workers and new army regulations restricting freedom of movement of Palestinians into the "green line", which had a direct effect on their chances to obtain jobs within Israel. Extreme right-wing parties and personalities often suggested, usually in connection with incidents when Jews had been stabbed by Palestinians, that Palestinians should be stopped from working in Israel.

Officials in the Civil Administration in the occupied territories had warned the Government of the explosive nature of restricting work opportunities.

She stated that Palestinians constituted the least paid and least protected work force in Israel. Their rights were not only violated by individual employers; they were being violated structurally, owing to a deliberate policy that had continued over 22 years. Palestinians working in Israel paid the same rates of income tax and National Security taxes as Israeli citizens. Yet, they were not entitled to the same social benefits which National Security provided, mainly old age pensions and unemployment benefits. That combination of disrespect for Israel's obligation to provide work opportunities for Palestinians so long as it controlled the territories and denial of access to alternative income such as unemployment benefits, was very explosive. The new Government did not seem to be aware of its duty to immediately amend the situation, although some new cabinet members were likely to be attentive and sympathetic to such a suggestion.

In conclusion, she stressed the importance of assistance from European institutions and organizations, and called on them to include the demand to respect the Palestinians' right to work and their equal rights as workers, in all encounters with Israeli authorities, in addition to demanding an end to settlements. Her organization was demanding that the Israeli Government equate the rights of Palestinians to the rights of Israelis and make payment of benefits retroactive in certain cases. European NGOs should not be reluctant to criticize Israeli trade unions and should send a fact-finding delegation to monitor the work opportunities for Palestinians. They should also investigate the matter of false arrests and the restrictions against the movement of Palestinians.

Roundtable II: "Efforts to promote the implementation of United Nations resolutions on the Question of Palestine and the Situation in the Middle East"

(a) The current peace process

17. **Ms. Helena Cobban** (United States of America), Columnist and Research Director of the Initiative for Peace and Cooperation in the Middle East, pointed out that there were two main differences between the present American diplomacy towards the Arab-Israeli conflict and that before 1990. These were the new inclusion of negotiations between Israel and Arab States alongside Israeli-Palestinian diplomacy, and the modalities of Palestinian participation in the delegation.

Both these differences reflected increased American receptiveness to the sensitivities of the Likud Government in Israel and, given the symbolic importance of all those issues, were not easy for the Palestinian negotiators to accept. However, the fact that yet more concessions were being asked of the Palestinians after the Gulf war was also connected to the behaviour of the Palestinian leadership during the war.

She said that the structure of the present peace process was that the Arab States were being asked to make broad concessions to Israel so that Israel may make some concessions to the Palestinians. The structure of the continuing multilateral talks, in particular, would also allow the realization of a number of important Israeli aims with respect to the Arab States in such fields as arms control and economics. However, in the context of growing interdependence between the different States and peoples of the region, the concessions being asked of Arab States needed not all be considered negative for them.

The choice could now be seen as between building a region of stability, inner health and prosperity, or continuing to inhabit a region wracked by feuds, dictatorships, and wars internal and external. She suggested initiating a serious process of arms control and disarmament in the Middle East for the benefit of all the peoples in the region, which would free up needed resources for economic growth and could lead to a return of the armed forces to their proper position within society, as the servants of the people.

Criticizing the major lack in the present diplomacy, she said that it did not address issues of human rights or democratization, it failed to address the accountability of Governments to their people. There was no mention of any fundamental values on the basis of which the future relations among the different peoples of the region should be built. She applauded the Palestinian proposal for general elections as part of the Palestinian interim self-governing authority and expressed the hope that as many as possible of the democratic norms could be established for the Palestinians in the occupied territories, including freedom of expression and publication, freedom of association, freedom to build voluntary institutions and freedom to engage in economic development. Israel should start to learn from those democratic Governments which have found themselves in the position of running military occupations, like the Americans in Germany and Japan, or France and Great Britain in Germany. The most effective way to build stable relations between their own people and the inhabitants of the occupied areas had been precisely to attend to the building of democratic institutions and practices among the people of the occupied areas.

She then examined the relationship of the current diplomacy to long-standing United Nations resolutions and noted that there were some differences, particularly in the interpretation of the requirements of the formula "land for peace", and in the attitude towards Israeli settlements in the occupied areas.

In conclusion, she emphasized that the prospects for making peace through the present diplomacy seemed very positive. In the first instance, that would result in a disengagement between the Israeli army and the Palestinian people. But she hoped that, along with the building of democratic institutions in the Palestinian areas, that could set the stage for successful final-status negotiations at the appointed time.

18. **Mr. Victor Y. Gogitidze** (Russian Federation), Chief of Section in the Department of Middle East and North African Countries in the Ministry of Foreign Affairs, said that for the first time in many years, there was a very real peace process in the Middle East rather than an illusion of a peace process. The tremendous job done by the co-sponsors -- the Russian Federation and the United States of America -- had brought results which the world had been awaiting over more than four decades. The shift from confrontation towards cooperation in international relations and the fundamental changes which had taken place in the world had made it possible to start the Middle East negotiations.

As a result of the Gulf war a broad-based international consensus had emerged, favouring the earliest possible commencement of negotiations to achieve equitable peace and security in the Middle East. He pointed out that the Russian Federation's conclusion was that a genuine Arab-Israeli peace would be the most important element of stability in the region. It should be attained only through peaceful negotiations on the basis of Security Council resolutions 242 (1967) and 338 (1973). The negotiating process should lead to a stable peace based on security guarantees for Israel, the cessation of occupation of Arab lands and the realization of the legitimate rights of the Palestinian people for national self-determination. It was also high time for all responsible members of the international community to consider seriously arms control in the Middle East. At the same time he emphasized that the Middle East conflict would not be resolved overnight. But Arabs and Israelis were becoming ever more tired of the state of enmity, and the desire for peace in the region was quite definite.

He referred to the direct bilateral talks that had followed the Madrid Conference, as well as to the multilateral negotiations dealing with region-wide issues and said that the Russian Federation believed that the concept of the peace conference, both on its bilateral and multilateral tracks, had proved its effectiveness. The idea of a peace conference remained the best framework mechanism to achieve Arab-Israeli agreements on broad issues of a Middle East settlement. After five rounds of bilateral negotiations, the participants had begun to put substantive issues on the table and were all engaged now on the basic issues of land, peace and security. One of the main results was that the continuity of the peace process had been preserved, most of the procedural problems had been solved and the parties were now talking about the substance of the settlement of the Arab-Israeli conflict.

He pointed out that with the profound changes that had taken place in Israel, a new situation might arise in the Middle East and in the negotiation process itself. Good chances existed in the Palestinian-Israeli track of the talks. He expressed the hope that all parties concerned would use the new spirit, new mood, new approaches and mainly the serious turn in Israeli public opinion in favour of peace talks. In his view, another major accomplishment had been the beginning of the multilateral phase of the peace process in Moscow, to organize working groups on issues of regional concern. Those working groups held initial meetings in May. The reports demonstrated that all parties were approaching the issues seriously and pragmatically. Those multilateral talks supported, rather than substituted for, the bilateral negotiations, and he hoped that those parties which had so far refrained from participating would join all the talks as soon as possible.

(b) The role of the United Nations

19. **H.E. Mr. Evarist V. Saliba** (Malta), Ambassador and Advisor to the Minister for Foreign Affairs, said that living in an interdependent world required a mechanism to facilitate the ever-increasing dialogue that was essential if that interdependence was not to degenerate into a new dependence, which most people were not ready to accept once again. The United Nations was supreme among international forums that provided the necessary facilities for the dialogue. That was particularly so in cases such as that of Palestine and the Middle East, where no regional mechanism existed.

He emphasized that the State of Israel and the legitimate aspirations to statehood of the Palestinian people had as their legitimate basis the decisions of the United Nations. The United Nations, despite its shortcomings, deserved credit for bringing together all people of good will who were ready to discuss and solve problems across the negotiating table. The United Nations was a tool which nations could use or abuse, ignore or blunt. The tool could not be blamed. By being part of the United Nations, everyone contributed to its effectiveness -- in this case, in playing a role in the solution of the question of Palestine so that peace might reign in the Middle East -- by the way they participated in its deliberations and respected its resolutions and principles.

He pointed out that the last few months had witnessed the most encouraging efforts so far in establishing a negotiating process that could be the beginning of a new and promising chapter in reconciliation and, eventually, peace. Eventually that process, which was already based on United Nations resolutions, was bound to become more closely linked with the Organization. At the same time the United Nations was involved in many ways, for example in the issue of refugees, peace-keeping, health and respect for human rights. He stressed that the ongoing Middle East peace negotiations should not induce a sense of complacency in the other forums where the issue of Palestine and the Middle East could be legitimately discussed. On the contrary, efforts should be redoubled to create an atmosphere of greater confidence. The supporting role that the United

Nations could give in this way was of inestimable value. The world was entering a new phase where a sense of realism on all sides was leading to opportunities that had been considered impossible a few months ago. The States Members of the United Nations had a responsibility to the world community to nurture those opportunities and to give the necessary encouragement and assistance.

He said that the question of the enforcement of United Nations resolutions on Palestine cropped up especially on occasions when the Organization, through the Security Council, showed determination in ensuring such enforcement from other States on other issues. Some speakers had cited instances when individual States or a group of States had exerted pressure, with positive results, on Israel to heed specified directions. He strongly believed that only a positive approach would ever lead to a lasting and just solution. However, there might be a need for pressure, beyond the moral one, to persuade parties to come to the negotiating table and to make genuine efforts to arrive at an agreement.

(c) The role of Europe

20. **Mr. Patrick Cooney** (Ireland), Member of the European Parliament and former Defence Minister, said that the role of the European Community in the Palestine tragedy was determined largely by the nature of the Community in that, on the one hand it was a highly developed prosperous trading area able to act in a united way, speaking with one voice and capable of employing a great deal of economic muscle. On the other hand, the Community had a cohesion and unity of purpose and action attained in the economic area. That uneven dual role, political and economic, was reflected in the part it had played up to now in the Israeli-Palestine problem.

He stressed that the Community, because of geographic contiguity and close and substantial trading links, had clearly an interest in a peaceful and prosperous Middle East. And having an interest, it was entitled to have a role in achieving such a state of affairs. Its trading and commercial links with Israel and the occupied territories were substantial.

He pointed out that the European Parliament took a keen interest in the Palestinan problem. There were frequent debates on it, regular questioning of the Council and Commission and many resolutions had been passed, addressing the injustices and grievances of the region. The Parliament had used its powers on a number of occasions in relation to the financial protocols with Israel in order to bring about changes for the benefit of the inhabitants of the occupied territories. An agreement had also been reached on the appointment of a representative of the Commission for the occupied territories.

As the voice of 360 million European citizens, the Parliament saw its role as requiring it to speak out and, when it could, act against injustice. It had done so in an even-handed way, condemning the injustice of the continuing unlawful occupation of territory seized by force, which had doomed its inhabitants to live under harsh and offensive conditions. It had equally condemned the injustice of terrorist attacks on Israeli citizens and had reiterated their right to live in peace within secure frontiers.

He expressed the view that the recent election results in Israel did not, of themselves, denote a change. They were instead a tactical reflection resulting from the shock of the United States of America refusing the $10 billion loan guarantees, the very first time anything of that magnitude had happened. Moreover, the American action did not represent a shift in United States policy and was no more than exasperation at the intransigence of the last Israeli Administration. The United States would continue genuinely to support the peace process and

to urge realistic Israeli participation in it, but he doubted that it had the political will to go farther than that. The process needed a second peace broker, and the other superpower no longer existed.

The European Community had made tentative efforts to become involved but was rebuffed. It must now insist on becoming centrally involved. It was high time the Community translated its fine sentiments into positive action. Moreover, the Council of Ministers must now insist on a role for Europe in the peace process and, to achieve that end, must be prepared to mobilize the economic and political resources of the Community. The peace process needed the presence of two brokers. The United States and the European Community, between them, had the capacity to remove the underlying fears, phobias and myths found on both sides. Each in its way could bring reassurances to both sides.

21. **Mr. Richard Balfe** (United Kingdom), Member of the European Parliament, pointed out that the European Community consisted of three players: Parliament, the Council and the Commission, each separate and independent. Both Parliament and the Council had demonstrated long-term consistent interest in the Middle East problem. Resolutions were adopted regularly on human rights and closely related situations in the region. Among them was the Venice Declaration which supported the right of all States in the region, including Israel, to exist, and denounced violence.

He stressed that the Community had always seen its position as that of facilitating the peace process. Because it felt the United States course to be a good one, the Community had taken a hands-off position so as not to undermine the process in any way. The United States did not appear to support a role for the PLO in the peace process, whereas the Community did, although everyone was aware of the PLO's role behind the scenes.

He stated that Europe, because of its geography, had a central role to play. While the Community was not a co-sponsor of the peace process, it had attended some of the talks. Israel objected to the Community taking part in certain aspects of the process because it felt the Community was unsympathetic to Israel's position. He expressed the view that it made no sense for the Community to embark upon a separate peace initiative at this stage. However, if the current process failed, there could be a European Community alternative. The Community welcomed the new Government in Israel and looked forward to playing a constructive role in helping Israel and the Palestinians to live in peace. The Community had a greater role to play in the Middle East region than any other trading bloc.

22. **Mr. Jean-Michel Dumont** (Belgium), Secretary-General of the Parliamentary Association for Euro-Arab Cooperation, recalled that it was only after the 1973 war that a genuine will to coordinate the foreign policies of Community members had come into being, in response to the Arab oil embargo. Little by little, the Community rediscovered the realities of the Middle East and began to take into account the justified grievances of the Arab States and the Palestinians. That evolution could be seen in a series of joint declarations. Apart from those declarations, however, there had been very little action, at least on the part of Governments, which had become adept in the art of hiding behind their need for political cooperation and the impossibility of reaching a consensus to enable them to go further.

He said that sensitivity to the Palestinian question differed greatly from country to country within the Community. The four Mediterranean countries were genuinely concerned, for reasons of regional solidarity. Portugal had the same attitude for the same reason, despite its location on the Atlantic. Ireland's high sensitivity to the Palestinian problem resulted from its having been a British colony which, like Palestine, was divided. The other six members were far less concerned with the problem and more sensitive to the painful past of the

Jewish communities of Europe. The emergence, from 1987 to mid-1991, of a willingness by the Twelve to act to solve the Israeli-Palestinian and Arab-Israeli conflict had vanished with the Gulf crisis, and Community members came to acknowledge the leadership of the United States Administration in the search for a lasting solution. Fortunately, however, two other institutions in Europe had managed to assert themselves: the European Parliament and the Commission.

He then analysed the effectiveness of steps taken by the European Parliament, in particular, its request to increase EEC contribution to UNRWA, which had been realized; its refusal to approve three new agreements between the Community and Israel, which had led to direct exports of Palestinian agricultural products to Europe; its request to freeze scientific cooperation between the Community and Israel, which had led to a partial reopening of educational institutions; the appointment of a Commission delegate to the occupied territories; and the recent request that the new EEC-Israel financial protocol should not be applied until the human rights situation in the occupied territories had been improved, which was only considered in general terms. He concluded that the Parliament had played and continued to play a genuine vanguard role among European institutions. At the same time he stressed the highly positive role of the Commission.

In conclusion, he said that for economic reasons, the Community was very reluctant, especially at the Council level, to employ certain means of pressure with regard to Israel, although sympathetic action on its part could suffice to induce Israel to comply with any given United Nations resolution or the Fourth Geneva Convention, inasmuch as it accounted for more than half of Israel's commercial outlets. On both the export side and the import side, all the Arab countries together, with nearly 200 million inhabitants, constituted a market of $48 billion, whereas Israel, with its 4.5 million inhabitants, represented an export market of $10 billion, showing a considerable surplus in favour of the EEC. Such a market, was by no means negligible, especially during a period of economic crisis.

(d) The problems posed by Israel's settlement policy and Jewish immigration

23. **Mr. Hanna Ibrahim** (Israel), editor and spokesman of the Arab Democratic Party, said that what distinguished the Seminar in the current year was that it was the first one after the change of Government in Israel, which he viewed as a peaceful coup. The promises made by Prime Minister Rabin to put an end to the so-called political settlements, among others, were easier said than done. Previous Israeli Governments had created faits accomplis in the occupied territories that might make peacemaking a difficult task.

While in his first speech Mr. Rabin had suggested autonomy for the Palestinians in the West Bank and Gaza Strip, he had stressed the need to reinforce the Jordanian border with a chain of so-called security settlements, and to guarantee proper protection to present settlements. He had also hinted that during negotiations, Israel would stop building new flats or settlements. The new order of priorities envisaged by the new Israeli Government could be due to the shortage of financial resources and to political pressure from outside and within. Israelis had begun to suffer hardships and unemployment, owing to extravagant expenditures on settlements, which had now cost taxpayers over $12 billion. The main problem lay in the proportion of land used by each party. Seventy per cent of the occupied territories were out of the reach of Palestinians. Moreover, the Palestinians were deprived of 80 per cent of water supplies.

He pointed out that not only were Israelis demanding the cessation of building settlements but that the Government encourage Jewish settlers to move to Israel by compensating them. The Peace Now Movement had made suggestions to make that practical.

While refusing the return of any Arab refugee to Israel or to the occupied territories, Israel had opened its doors to a massive wave of Jewish immigrants from all over the world. The economic and political downfall of socialist regimes had given rise to massive immigration, especially from the former Soviet Union. That wave had slackened owing to Israel's economic hardships. If living conditions were better in the former Soviet Union, immigration might take a reverse direction. More Israelis were convinced that it would be impossible to absorb immigration, maintain a high standard of living and keep Palestinians and the whole Arab world at bay by sheer force of arms forever.

An important factor was the pressure brought to bear on the Israeli Government from the United States, which wanted to safeguard its interests in the Arab and Moslem world. He called for the implementation of United Nations resolutions concerning the Middle East conflict, in particular those adopted by the Security Council, and for exerting pressure to that end on the United States and Israel.

(e) Presentation on the roundtable as a whole

24. **Mr. Abdulatif Abu Hejla** (Palestinian), Director-General of the Political Department of the Palestine Liberation Organization, said that the new world order had brought about an increasing role for the United Nations in the settlement of conflicts, particularly regional ones, yet the United States had blocked any significant role for the Organization in the settlement of the Arab-Israeli conflict, the core of which was the question of Palestine. He affirmed the need for an effective role for the United Nations in the current process, which was based on Security Council resolutions 242 (1967) and 338 (1973). Such a role could hardly be avoided, even in the short term, in view of the elections, free from Israeli intimidation and interference, for a Palestinian legislative assembly leading to the transition to self-government and self-rule.

Since the new Israeli Government had not hesitated to impose a siege on Palestinian students electing a student council recently in Nablus, he wondered what would happen to the Palestinian people in the occupied territory if there was no international supervision of the elections there.

He stressed that United Nations involvement in Namibia had led to a peaceful transition from the occupier to the people of Namibia so that there was nothing new in asking for a United Nations presence in the elections in the occupied territory. The Security Council, in a number of resolutions, had called for United Nations involvement in the protection of the Palestinian people under occupation. It was clear that any final peaceful settlement would contain security provisions, the implementation of which should involve the United Nations. He also affirmed the need for United Nations bodies to prepare a programme of economic and social assistance to the Palestinian people, to be implemented during the transitional period. All obstacles in the occupied territory must be removed so that United Nations bodies could assist the Palestinian people in their reconstruction and development efforts. Those efforts would integrate Palestinians displaced as a result of the 1967 war and any of Palestine's refugees who may opt for settling in the State of Palestine instead of exercising their right to return guaranteed in General Assembly resolution 194 (III) of 11 December 1948, which remained legal and valid beyond the final settlement.

He emphasized that all Israeli settlements must be removed from the occupied territory. In these days of modern arms, it was strange to hear someone associate settlements with security. Israel, armed to the teeth, violated the rights of Palestinians on a daily basis. Israel must agree to withdraw from the occupied territory in exchange for peace, based on resolution 242 (1967). He demanded that Israel withdraw its objection to the

inclusion of Palestinians from Jerusalem and abroad in the negotiations, and hoped the United States would resume its dialogue with the PLO, which had demonstrated its commitment to peace.

He said that the current negotiations conducted by the United States excluded the European Community, despite that group's considerable experience. He thanked the European people for their support and significant economic aid. When the next round of bilateral negotiations began on 10 August, Palestinians would go to the table with open hearts and minds, with great determination to make progress towards a permanent, just and overall peace in the region. Palestinians in the occupied territory and the diaspora would continue their march towards freedom and independence.

25. **Mr. Gadi Yatsiv** (Israel), former Knesset Member and Senior Lecturer at the New School of Communications in Tel Aviv, said that in listening to the discussion of the Seminar, he had the feeling that the participants were dealing with a situation different from reality.

In the real world, human rights could not be respected under occupation, irrespective of any international instruments. There was no chance for an occupied people to exercise the human rights they surely deserved, unless the occupation was perceived as an interim stage before peace. He could name no occupation where international law was respected.

He stated that in Israel, occupation was part of the war. Israel had been forced to defend its country and to occupy others in a war of self-defence in 1967. There was still a war going on between the Palestinian people and the State of Israel. In any war, both sides suffered, and the weaker side suffered more. The Palestinians, being the weaker, suffered more. He wanted to end that war because occupation corrupted. Because he wanted to live in a fair and just society, it was imperative to end the war. To do so required a solution to the Palestinian problem. The right of the Palestinians to self-determination was indeed an inalienable right, but this was equally true for the Israelis. The question, therefore, was how was it possible to achieve a new reality compatible to both Jews and Arabs, in which both people could fulfil their national aspirations while living in peace and security. There must be mutual trust between Israel and the Arab world, and between Israel and the Palestinians.

Referring to the peace process now under way, he said that the past was dead and all should look to the future. The peace process could succeed. To contribute to the process, it was important to understand the genuine motives behind the position of the two parties and not to simplify the situation - it was complicated as both peoples had valid causes and claims. The goal was peace for two peoples with a common homeland. Today in Israel, with a new Government, most Israelis were ready to respect the rights of Palestinians. Israel was a real democracy, and believed that respect and esteem for one's neighbour could contribute to one's own enjoyment.

He pointed out that the role of the United Nations was not a formal but a political one. It was not for the Organization to try to enforce or implement every past decision but to act in the spirit of United Nations principles in a changing world, and in accordance with the changing political conditions, i.e., to assist and encourage the peoples of the region to reach agreement on the basis of mutual respect and honourable coexistence.

C. Closing meeting

26. At the closing meeting, the conclusions and recommendations reproduced below were introduced by the Rapporteur and subsequently adopted by the Seminar participants. The closing meeting was addressed by H.E. Mr. Carmel J. Aquilina, Acting Secretary of the Ministry of Foreign Affairs of Malta, and by Mr. Abdulatif Abu Hejla, Director-General of the Political Department of the Palestine Liberation Organization. H.E. Mr. Kéba Birane Cissé, Chairman of the Committee and of the Seminar, made a closing statement.

D. Conclusions and recommendations

27. The participants at the Seventh United Nations European Seminar on the Question of Palestine welcomed the convening of the Seminar as an important contribution to continuing efforts to bring about a just and lasting settlement of the question of Palestine, the core of the Arab-Israeli conflict in the Middle East. They emphasized that the European countries had played, and could continue to play, a constructive and active role towards this objective. They particularly welcomed the holding of the meeting in Malta, whose steadfast and consistent support for the Palestinian national struggle and whose geographical location and active involvement in Mediterranean and European affairs made it an ideal venue for deliberations on how Europe can further contribute to the ongoing peace efforts.

28. The participants noted that the fundamental changes in the international political scene, the shift from confrontation towards cooperation in international affairs had brought the possibility of meaningful interaction of the international community in the search for efficient ways of resolving the Middle East conflict. They stressed that these opportunities should not be missed due to lack of goodwill or inaction and warned of the persistent dangers of continued instability and of the resulting unabated arms race in the region, which threatened not only the peoples of the Middle East but also neighbouring Europe.

29. The participants reiterated that there was a European as well as international consensus concerning the essential elements of a comprehensive, just and lasting settlement of the question of Palestine which include: withdrawal of Israeli forces from the Palestinian territory occupied since June 1967, including Jerusalem, and other occupied Arab territories; respect for the right of all States in the region to live in peace within secure and internationally recognized boundaries; and the recognition and exercise of the legitimate national rights of the Palestinian people, primarily the right to self-determination, in accordance with the pertinent resolutions of the United Nations.

30. The participants, noting that the Peace Conference on the Middle East convened in Madrid on 30 October 1991 is entering into a particularly significant stage, expressed their earnest hope that the talks soon to be resumed would be serious and productive and would be crucial for establishing a comprehensive, just and lasting peace in the region. They noted in this connection that this process had the support of the parties concerned and had as its basis Security Council resolutions 242 (1967) and 338 (1973), which had long been recognized as the cornerstone of a comprehensive settlement. The participants stressed the essential need for an active role by the United Nations, the Security Council and the Secretary-General, for a successful outcome of the peace process. They were of the opinion that a more active European contribution to the peace conference on the Middle East is welcomed.

31. The participants considered that in the recent elections, a majority of the Israeli public had voted for peace and expressed the earnest hope that the new Israeli Government would institute radical changes in Israel's policies in favour of peace. The participants called on the new Israeli Government to declare its agreement with the principle of "land for peace", to comply with the United Nations resolutions, including Security Council resolutions 242 (1967) and 338 (1973), and to acknowledge the right of the Palestinian people to self-determination. They also called on the Government to take immediate measures for the restoration of the fundamental human rights and freedoms of Palestinians living in the occupied territories, including Jerusalem in accordance with Israel's obligations under international law.

32. The participants stressed that while the peace process is taking place, it is of the utmost importance to ensure the safety and protection of the Palestinian people living under occupation; and that measures in this regard would help create an environment more conducive to peace and coexistence between the Israeli and Palestinian people. In particular, they called for the immediate cessation of all settlement activity and land and water confiscation in the occupied Palestinian territory, including Jerusalem, which posed a threat to the very existence of the Palestinian community and which were in clear violation of article 49 of the Fourth Geneva Convention and were detrimental to the peace process under way.

33. The participants recognized that the intifadah is an expression of the national will of the Palestinian people for liberation, of its resistance to the occupation and of its determination to remain on its land and to attain its inalienable national rights. They reaffirmed the right of the Palestinian people to self-determination and national independence. They also reaffirmed that the Palestine Liberation Organization is the sole legitimate representative of the Palestinian people. They welcomed free democratic elections in the Palestinian occupied territories under effective international supervision. They voiced deep concern that the military occupation had now lasted for over 25 years and that Israel had continued to reject the applicability of the Fourth Geneva Convention to the occupied territory and to violate its provisions. They called for appropriate measures to be taken to implement Security Council resolutions 672 (1990) and 681 (1990), which asked for action by the High Contracting Parties and by the Secretary-General to ensure observance of the Convention. The participants considered that the fact that a peace process was under way did not detract in any way from Israel's obligations to respect the Fourth Geneva Convention and to abide by the relevant Security Council resolutions. They called on the High Contracting Parties to the Convention, on the Security Council and on the United Nations system as a whole, to take all necessary measures to ensure that Israel abides by its obligations as the occupying Power.

34. The participants noted in this connection that the Committee on the Exercise of the Inalienable Rights of the Palestinian People had given priority to the promotion of measures for the protection of the Palestinian people living under Israeli occupation. The participants also recalled that the European Community had taken measures which had been successful in ensuring the reopening of Palestinian schools and the export of Palestinian agricultural commodities, and called on the Community and on European NGOs to continue to devise means of applying pressure on Israel in order to restore respect for Palestinian human rights, including tying all agreements to human rights considerations. They also called on the Community and European NGOs to insist that Israel abide by its duty to ensure fair and equal treatment for Palestinian workers. They urged the Israeli Government to terminate all military and administrative obstacles obstructing the employment of Palestinians as well as their efforts to develop an independent economy of their own.

35. The participants further recommended that the European and international NGO community continue and intensify its activities to ensure protection such as public education, health and information, campaigns on specific issues, visiting missions to the occupied territory and others. They called on NGOs to continue to impress upon their respective Governments their duty to secure the compliance of the Israeli Government with

the provisions of the Convention. They recommended that NGOs present in the occupied territory as witnesses to the behaviour of the occupying Power should report infringements to their embassies and consulates-general, thus drawing their Governments' attention to the situation in a very real way. Participants also recommended that European NGOs should seek to support, strengthen and coordinate the work of NGOs active in the region to promote the independent development of the occupied territory.

36. The participants expressed their appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People and to the Secretary-General of the United Nations for their constant efforts in promoting a comprehensive, just and lasting settlement of the Palestine question. They expressed the confidence that the Committee and the Division for Palestinian Rights would adapt their programme to meet the current situation and to continue to increase their activities to promote a constructive debate and a concrete and action-oriented analysis of the most important issues relating to the question of Palestine.

37. The participants expressed their warm appreciation to the Government and the people of Malta for providing a venue for the European Seminar on the Question of Palestine and for the excellent facilities, courtesies and generous hospitality extended to them.

Annex I

MOTION OF THANKS

The participants in the United Nations Seminar on the Question of Palestine, being held from 27 to 29 July 1992 in Qawra, Malta, express their profound thanks to the Government and people of Malta for generously providing a venue for this meeting and for the excellent arrangements made, which greatly contributed to its success. The participants wish also to convey their sincere gratitude and appreciation to H.E. Prof. Guido de Marco, Deputy Prime Minister and Minister for Foreign Affairs of Malta, for his statement of warm support for the Palestinian cause and our Seminar. The participants also wish to express their appreciation to Mr. Carmel J. Aquilina, Acting Secretary of the Ministry of Foreign Affairs, for his contribution to the Seminar. The participants take this opportunity to convey their sincere consistent support for the exercise by the Palestinian people of its inalienable rights and for the active role they have played in advancing the cause of peace and justice in the Middle East on the basis of the Charter and the resolutions of the United Nations.

Annex II

LIST OF PARTICIPANTS

Experts

Mr. Abdulatif Abu Hejla (Palestinian)

Mr. Richard Balfe (United Kingdom)

Monsignor Hilarion Capucci (Palestinian)

Ms. Helena Cobban (United States of America)

Mr. Patrick Cooney (Ireland)

Mr. Jean-Michel Dumont (Belgium)

Mr. V.Y. Gogitidze (Russian Federation)

Mrs. Amira Hass (Israel)

Mr. Hanna Ibrahim (Israel)

Mr. Pol Marck (Belgium)

Mr. Bernard Mills (United Kingdom)

Mr. Victor Nagaychuk (Ukraine)

H.E. Mr. Evarist V. Saliba (Malta)

H.E. Mr. Gunter Weiss (EEC)

Mr. Gadi Yatsiv (Israel)

Delegation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

H.E. Mr. Kéba Birane Cissé	Permanent Representative of Senegal to the United Nations, Chairman of the Committee
H.E. Mr. Victor Camilleri	Permanent Representative of Malta to the United Nations, Rapporteur of the Committee
H.E. Mr. Victor Batiouk	Permanent Representative of Ukraine to the United Nations
Dr. Nasser Al-Kidwa	Permanent Observer of Palestine to the United Nations

Representative of the Secretary-General of the United Nations

Mr. Giorgio Giacomelli	Under-Secretary-General, Director-General of the United Nations Office at Vienna

Governments

China	Mr. Wang Shutong Second Secretary
Czechoslovakia	Dr. Miloslav Chrobok Chargé d'Affaires, a.i.
Egypt	Mr. Youssef Kamal Botros First Secretary
France	Mr. Christian Jourde Chargé d'Affaires, a.i.
Libya	Mr. Fouad Zlitni Counsellor
Malta	Mr. Saviour F. Borg Director, United Nations, International Organizations and Commonwealth Division
	Ms. Marlene Bonnici First Secretary
	Dr. Jesmond Schembri First Secretary
	Ms. Therese Cutajar First Secretary
Russian Federation	H.E. Mrs. Valentina I. Matvienko Ambassador
	Mr. Vagif B. Mirzadjanov Counsellor
	Mr. Youri A. Khomenko First Secretary

Tunisia	H.E. Mrs. Zeinoub Khomsi Maaref Ambassador Mr. Maaref Ali Mr. Jemaiel Noomane First Secretary and Chargé d'Affaires, a.i.

Non-member States represented by observers

Holy See	Father Jaluino J. Darmanin, S.J. Apostolic Nunciature

United Nations specialized agencies, bodies and programmes

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)	Mr. Austin McGill Legal Officer
World Health Organization (WHO)	Mr. Joseph A. Hazbun Coordinator, Emergency Response for Africa and the Middle East

Intergovernmental organizations

Organization of the Islamic Conference	Mr. Taher Ahmed Saif Representative
European Economic Community	H.E. Mr. Gunter Weiss Ambassador, Representative of the Commission of the European Communities to Malta

Other organizations having received a standing invitation to participate in the sessions and the work of the General Assembly as observers

Palestine	Mr. Nimer Hammad Representative of the PLO in Rome

	Mr. Ali M. Abdel Latif Chargé d'Affaires in Malta
	Mr. Bassil Jabir
	Mr. Esam Ali M. Abdel Latif

Special guests

Mr. Charles Mifsud	Secretary, Parliamentary Affairs Ministry of Foreign Affairs
Mr. Alfred A. Zarb	Director, Ministry of Foreign Affairs
Mr. Carmel J. Aquilina	Secretary of the Ministry of Foreign Affairs
Mr. Alfred Falzon	Administrative Officer, Ministry of Foreign Affairs
Mr. George Borg-Cardona	Permanent Secretary, Ministry for Social Security
Mr. Anthony Borg Barthet	Attorney-General
Dr. Michael Farrugia, M.D.	Member of Parliament
Mr. Noel Farrugia	Member of Parliament
Mr. Antoine Mifsud Bonnici	Parliamentary Secretary
Mr. Vella George	Deputy Leader, Malta Labour Party
Mrs. Agatha Barbara	Former President of Malta

Non-governmental organizations

Alternattiva Demokratika	Dr. Arnold Cassola Ms. Anna Zammit
Caritas Internationalis	Monsignor Victor Grech Ms. Rita Zammit-Pace
International Youth and Student Movement for the United Nations (ISMUN)	Mr. Robert Micallef

Malta Council of the European Movement	Mr. Peter Cassar Torreggiani
Malta Labour Party	Mr. Jimmy Magro
Mediterranean Foundation for Palestinian Studies	Mr. Derk De Ketelaere
National Council of Women	Ms. Louise Chircop
Palestine Committee for NGOS	Mr. Marai Abderraham
Social Action Movement	Monsignor Fortunato P. Mizzi

Press

Bay Radio	Mr. Joe Mifsud
Department of Information	Mr. Henry Zammit Pavia
Independence Print	Mr. Michael Ellul
In-Nazzjon Taghna	Mr. Richard Cassar
Radio One Line	Ms. Sue Mercieca
Radio 101	Mr. L. Ganea
RTK Radio	Mr. Nagro Brian
The Malta Independent	Mr. Natalino Fenech
Television Malta	Mr. Alfred Musu Mr. Anthony Attard Mr. Albert O'Neill
Union Press	Mr. R. Sammy Summut Ms. Daniela Attard Bezzina Mr. Brian Meli Mr. John Agius Mr. Gaetan Camilleri Mr. Victor Attard

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